IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.336 of 2005

Between:

C. Chandrasekhar Raju, S/o. Late Narayana Raju,
Residing at O.B.r. Kandriya Village and Post, Vadamalpet Mandal, Chittoor District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Chittoor.
2 Smt. D. Venkatamma, W/o. Chinna Chengal Raju,
residing at O.B.R. Kandriga Village, H/o. S.V. Puram, Vadamalpet

Mandal, Chittoor District.
3 Smt. N. Narayanamma, W/o. Venkatraju,
residing at O.B.R. Kandriga Village, H/o. S.V. Puram, Vadamalpet

Mandal, Chittoor District.
4 Sri N. Nagaraju, S/o. Chengal Raju,
residing at O.B.R. Kandriga Village, H/o. S.V. Puram, Vadamalpet

Mandal, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ or direction more particularly one in the nature of a Writ of Mandamus, by calling for the records from the 1st respondent issued by his Ref No. G/57/2004 dated 29-10-2004, and declare the same as illegal.

Counsel for the Petitioner: MR.Y.NARASIMHA REDDY

Counsel for the Respondent No.1: GP FOR REVENUE

Counsel for the Respondent Nos.2 to 4: ----

The Court, at the admission stage, made the following:

ORDER:

The petitioner claims to be owner and possessor of land admeasuring 0.02 cents and a Well therein situated in Survey No.124/13 of S.V. Puram village, Vadamalpet Mandal, Chittoor District, having inherited the same from his father. It is stated that when the respondents 2 to 4 tried to occupy the Well in question, the petitioner filed suit O.S.No.119 of 2001 on the file of Junior Civil Judge, Puttur, Chittoor District and obtained orders of temporary injunction in I.A. No.404 of 2001 restraining respondent Nos.2 to 4 from interfering with the petitioner's possession and enjoyment over the Well, which were confirmed by the Senior Civil Judge, Puttur Chittoor District in CMA No.4 of 2002 filed by respondent Nos.2 to 4. The grievance of the petitioner is that the respondents 2 to 4, instead of filing CRP against the orders of temporary injunction granted by the Courts below, filed a petition before the 1st respondent-Revenue Divisional Officer, who issued the impugned notice dated 29.10.2004 under the provisions of A.P. Rights in Land and Pattadar Passbooks Act, calling upon the petitioner to appear before him with connected records in respect of the land in Survey No.124/13, which is illegal and arbitrary. Hence, he filed the present writ petition.

Heard the learned counsel for petitioner and learned Government Pleader for Revenue.

Even though there are civil disputes between the petitioner and respondents 2 to 4, and the temporary injunction granted in I.A.No.404 of 2001 in O.S.No.119 of 2001, which was confirmed in C.M.A.No.4 of 2002 in respect of the site and Well in question, is still subsisting against the respondents 2 to 4, there is no bar for the 1st respondent-Revenue Divisional Officer to enquire into and determine the Record of Rights in respect of the land in Survey No.124/13 of S.V. Puram village based on the petition said to have been filed by the respondent Nos. 2 to 4. The petitioner can as well put forth his case before the 1st respondent-Revenue Divisional Officer by bringing to his notice about the pendency of civil suit filed by the petitioner against

respondents 2 to 4 and the subsistence of temporary injunction granted therein in respect of site and Well in question. Simply because the 1st respondent-Revenue Divisional Officer issued notice to the petitioner it cannot be said that he is going to pass orders affecting the rights of the petitioner over the land and the Well in question.

In the above view of the matter, I deem it appropriate to dispose of the writ petition with the following directions.

The petitioner may appear before the 1st respondent-Revenue Divisional Officer pursuant to the impugned notice dated 29-11-2004 and make a representation to him bringing to his notice about the pendency of civil disputes between him and respondents 2 to 4 and also subsistence of temporary injunction granted against the respondent Nos. 2 to 4 in respect of site and Well in question. On such representation being made, the 1st respondent shall consider the same and take appropriate action in the matter in accordance with law.

Accordingly, the writ petition is disposed of at the admission stage. No costs.

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N.V. RAMANA, J

Date: 20.01.2005

(B/O)

Issue CC in three days

Nsr

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Revenue Divisional Officer, Chittoor.
2 Two CCs to GP for Revenue, High Court of AP, Hyderabad (OUT)

3 Two CD copies.

Form-NIC-OGS/WP{*RLD****}***